IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

MACA.No. 756 of 2006()

OPMV.72/2004 of MOTOR ACCIDENTS CLAIMS TRIBUNAL, MAVELIKKARA
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APPELLANT/3RD RESPONDENT:

THE NEW INDIA ASSURANCE COMPANY LTD.,
KOTTAYAM NOW REPRESENTED BY ITS
ADMINISTRATIVE OFFICER, REGIONAL OFFICE,
M.G.ROAD, KOCHI-11.

BY ADV. SRI.MATHEWS JACOB (SR.)
SRI.P.JACOB MATHEW

RESPONDENT: PETITIONER:

RAVI K.,
THUNDUPARAMBIL HOUSE, CHERUTHANA P.O.,
ALAPPUZHA, NOW RESIDING AT PUTHENPURACKAL HOUSE,
THURUTHI P.O., CHANGANACHERRY.

BY ADV. SRI.PAULY MATHEW MURICKEN

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 12/11/2007, ALONG WITH MACA NO. 1468 OF 2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN
&
T.R.RAMACHANDRAN NAIR, JJ.

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MACA.NOs.756 & 1468 of 2006.
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Dated this the 12th day of November, 2007.

J U D G M E N T

Radhakrishnan, J.

MACA.No.1468/2006 is an appeal filed by the claimant and MACA.No.756/2006 filed by the Insurance Company in OP(MV). No.72/2004. The claim put for is enhancement of compensation awarded by the Tribunal. The claimant was 39 years at the time of accident. The accident had occurred on 14-3-1999. He suffered very serious injuries and lost sight in his right eye. Appellant claims that he was an employee of Al-Atalia Printing Press, Damam and his monthly income was Rs.45,000/-.

2. The Tribunal awarded Rs.24,000/- towards loss of earning for four months at the rate of Rs.6,000/-. Towards pain and suffering Rs.35,000/- has been awarded and Rs.20,000/- towards loss of amenities and continuing discomfort. The learned counsel for the appellant submits that the Tribunal is not justified in fixing the monthly income of the claimant as Rs.6,000/-. The claimant has not produced any document to show that he was employed in Damam and working as a Printer or produced any certificate showing the monthly income from

his employer. Under such circumstances, we find that the monthly income as fixed by the Tribunal is correct and reasonable. Taking into consideration the age of the claimant, the Tribunal has applied the correct multiplier of 15.

Appeals lack merits and the same are dismissed.

K.S.Radhakrishnan, Judge.

T.R.Ramachandran Nair, Judge.

kvs/-